

1 The Honorable Ricardo S. Martinez
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IN UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON STATE ASSOCIATION OF
HEAD START AND EARLY CHILDHOOD
ASSISTANCE AND EDUCATION
PROGRAM, ILLINOIS HEAD START
ASSOCIATION, PENNSYLVANIA HEAD
START ASSOCIATION, WISCONSIN
HEAD START ASSOCIATION, FAMILY
FORWARD OREGON, and PARENT
VOICES OAKLAND,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of Health and Human
Services; U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES; ANDREW
GRADISON, in his official capacity as Acting
Assistant Secretary of the Administration for
Children and Families; ADMINISTRATION
FOR CHILDREN AND FAMILIES; OFFICE
OF HEAD START and TALA HOOBAN, in
her official capacity as Acting Director of the
Office of Head Start,

Defendants.

NO. 2:25-CV-00781-RSM

[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

NOTE ON MOTION CALENDAR:
JUNE 13, 2025

- 1 • Plaintiffs have shown that they are likely to succeed on the merits of their claims that the
2 March 14 DEI Letter and the April 16 DEIA Certification (collectively the “DEIA Ban”)
3 violates the Fifth Amendment, First Amendment, Separation of Powers, Spending Clause,
4 Administrative Procedure Act, and Section 504 of the Rehabilitation Act.
- 5 • Plaintiffs have shown that they are likely to succeed on the merits of their claims that the
6 mass cuts to the Office of Head Start (OHS,), including the closure of half the regional
7 offices and elimination of sixty percent of OHS staff, of sixty percent of the staff, violate
8 the Separation of Powers and the Administrative Procedure Act.
- 9 • Plaintiffs have shown that they, and Head Start agencies and families across all locations
10 covered by the Head Start Act, including in all fifty states, tribal nations, and several
11 United States territories, are likely to suffer irreparable harm in the absence of
12 preliminary relief. Defendants’ actions threatens to leave hundreds of thousands of
13 children without access to early education and related programming, their parents without
14 childcare that enables them to go to work, and numerous staff without jobs.
- 15 • Plaintiffs have shown that the balance of equities and public interest favors issuance of an
16 injunction.
- 17 • Defendants have not made the requisite showing for a bond pursuant to Federal Rule of
18 Civil Procedure 65(c).

19 For the foregoing reasons and for good cause shown, the Court therefore ORDERS:

- 20 (1) Defendants and all their respective officers, agents, servants, employees and attorneys,
21 and any person in active concert or participation with any of them (collectively, the
22 “Enjoined Parties”) are fully enjoined from the following:
23 a. Enforcing and/or implementing any portion of the DEI Letter¹ or any portion of
24 the DEIA Certification,² all agency-wide directives implementing or effectuating

26 ¹ Declaration of Jenessa Calvo-Friedman in Support of Plaintiffs’ Motion for Preliminary Injunction (“Calvo-
27 Friedman”) Ex.5, 6.

² Calvo-Friedman Ex.7 at 18-19.

1 the DEIA Ban, and any changes made pursuant to the DEIA Ban, or otherwise
2 taking similar actions that enforce or implement the “Ending Radical and
3 Wasteful Government DEI Agencies and Preferencing” Exec. Order No. 14,151,
4 90 Fed. Reg. 8339 (Jan. 29, 2025) or the “Ending Illegal Discrimination and
5 Restoring Merit-Based Opportunity” Exec. Order No. 14,173, 90 Fed. Reg. 8633
6 (Jan. 31, 2025) including by:

- 7 i. Pausing, freezing, impeding, blocking, canceling, terminating, delaying,
8 withholding, or conditioning any grants or obligations to Head Start
9 agencies for any reason other than those specifically enumerated by the
10 Head Start Act or its implementing regulations;
- 11 ii. Requiring any Head Start agency to make any “certification” or other
12 representation pursuant to the DEIA Certification or other similar
13 requirement;
- 14 iii. Modifying, or requiring Head Start agencies to modify, the terms of any
15 federal grants to comply with the DEIA Ban, or adding, or requiring Head
16 Start agencies to add any terms to forthcoming grants predicated on the
17 DEIA Ban or similar language;
- 18 iv. Bringing any False Claims Act enforcement action, or other enforcement
19 action, pursuant to the DEIA Certification, including but not limited to any
20 False Claims Act enforcement action premised on any certification made
21 pursuant to the DEIA Certification;

22 b. Any actions to further implement the mass cuts including by any further
23 implementation of OHS mass layoffs and office closures undertaken in
24 accordance with the Executive Order, “Implementing the President’s ‘Department
25 of Government Efficiency’ Workforce Optimization Initiative,” and described in
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1 Defendants' March 27, 2025 Directive³ and April 3, 2025 e-mail,⁴ including but
2 not limited to: execution of any existing reduction in force notices including final
3 separation of employees, issuance of any further existing reduction in force
4 notices, and/or placement of employees on administrative leave.

5 c. Additionally, in order to "preserve status or rights pending conclusion" of this
6 Court's review, the effective dates of Defendants' DEIA Ban and the OHS mass
7 layoffs and regional office closures are postponed. 5 U.S.C. § 705.

8 (2) This Order shall apply to the maximum extent provided for by Federal Rule of Civil
9 Procedure 65(d)(2) and 5 U.S.C. §§ 705 and 706.

10 (3) Defendants shall provide written notice of the Court's preliminary injunction within 24
11 hours of entry to all Defendants, their employees, agents, and anyone acting in concert
12 with them, and to all Head Start agencies.

13 (4) Within two (2) business days, Defendants shall serve and file a declaration(s) verifying
14 that they have complied with this Order and detailing what steps, if any, they have taken
15 to do so.

16 (5) This Order shall remain in effect until the close of this case, unless otherwise ordered by
17 the Court.

18 (6) Plaintiffs are not required to post a bond under Federal Rule 65(c).

19
20 **IT IS SO ORDERED.**

21
22 Dated this ____ day of June 2025

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27 Judge Ricardo S. Martinez

³ Calvo-Friedman Ex.8, 9.

⁴ Calvo-Friedman Ex. 10.

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3 By: /s/ La Rond Baker

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